

## Remarks

### Claim rejections 35 USC § 102

Regarding claims 35, 51, 60 and 62, Applicant has previously argued that certain features are not inherent to Beyda, namely:

- (i) presenting a graphical list of main conference participants;
- (ii) providing a user with an interface to allow selection of subconference participants from the graphical list; and
- (iii) presenting a subconference list when the subconference is in progress.

The Examiner has argued that feature (i) must be present because "otherwise it would be impossible to establish a discrete subconference call within the context of the main conference since the identities of the other participants would be unknown", and "one wishing to establish a subconference call would be unaware of whom to send a subconference call request."

The Examiner has not specifically disclosed where the interface of feature (ii) is alleged to be disclosed. The Examiner has argued that feature (iii) must be present because when a subconference is in session the video and digital data is presented to the users as described at column 5, lines 19-26.

Dealing with the last of these points first, the passage referred to simply says that whiteboard data from the main conference and subconference can be mixed, with the different data in different colors. There is no suggestion of a graphical list of the subconference participants or of the main conference participants in this passage and all that is disclosed is that the data from each conference are distinguished by color coding.

Applicant has previously directed attention to the extremely stringent standard required to show inherency (i.e. that the feature must **necessarily** be present), and Applicant notes the Examiner's belief that without a graphical list of participants it would (in the opinion of the Examiner) "be impossible to establish a discrete subconference call". This is the crux of the matter under consideration. If

establishing a subconference is in fact possible without a graphical interface, then feature (i) could no longer be considered to be inherent.

Beyda (US 6,404,873) lists on its front page a small number of prior art references, some of which disclose subconference systems. One of these references is US 5,483,588 to Eaton et al. (copy attached for convenience), which discloses a system which accomplishes a range of diverse and sophisticated conferencing tasks, including subconferencing, without any graphical interface. Users log into a conference and recorded announcements are used to signal the attendees in the conference. The attendees communicate with the conference system using DTMF tones on their handsets. Column 11, lines 16-35 describes how a subconference can be set up in this manner, without any necessity for a graphical interface. While this does not disclose requests being sent from one terminal to another, it would be a trivial matter to implement this by assigning each user an ID number (01, 02, etc.) which is announced when the user enters or during the roll call, and allowing a first user to issue a request to another using the ID number system via DTMF. Accordingly without straying any further from Beyda than the prior art cited by the USPTO, Eaton disproves the contention of the Examiner that it is impossible to arrange subconferences without utilizing graphical lists.

More fundamentally, the public switched telephone networks have provided a mechanism for one terminal to issue requests to another terminal for decades, long before the advent of graphical interfaces. Any telephone subscriber can dial any publicly available number without resorting to a graphical interface. Accordingly, simply by dialling a number, any terminal can issue requests to any other terminal on the network, and the same type of addressing is clearly available in any telephony system: to issue a request to a conference participant, one need only arrange for a subconference command followed by the number of the desired participant.

It is clearly possible, therefore, to arrange subconferences without employing graphical interfaces, and thus the contention of the Examiner that this is "impossible" is incorrect. It has been demonstrated above that there is clear teaching in the prior art of systems which do not require any graphical listing of conference participants but which can be used for sophisticated conferencing purposes. Given the very real

possibility of Beyda operating without any such graphical listing of the main conference participants, and in the complete absence of any disclosure of an interface for selecting participants for the subconference, the required certainty for a showing of inherency is lacking.

The dependent claims share at a minimum the same features as the independent claims, which are neither taught nor suggested by the prior art. Accordingly each of the dependent claims is not anticipated by Beyda.

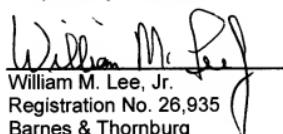
Claim rejections 35 USC § 103

The claim rejections under 35 USC § 103 are based on the assumption that Beyda inherently teaches the features identified as (i), (ii) and (iii) above. As these features are not, in applicant's respectful submission, taught by Beyda, each of the claims is patentable over the combination of prior art documents set forth by the Examiner.

In view of the amendments and arguments made herein, the applicant respectfully requests the Examiner withdraw the rejections, and allow the application.

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Respectfully submitted,

  
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William M. Lee, Jr.  
Registration No. 26,935  
Barnes & Thornburg  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
(312) 214-4800  
(312) 759-5646 (fax)